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HUMAN RIGHTS COMMITTEE

Forty-third session

SUMMARY RECORD OF THE 1106th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 30 October 1991, at 10 a.m.

Chairman: Mr. POCAR

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Third periodic report of Iraq (CCPR/C/64/Add.6) (continued)

1. The CHAIRMAN recalled that the consideration of the third periodic report of Iraq (CCPR/C/64/Add.6) had begun at the Committee's forty-second session but its completion had had to be deferred until the current session.

2. At the invitation of the Chairman, Mr. Mahmood, Mr. Yousif, Mr. Abid Oon and Mr. Khalaf (Iraq) took places at the Committee table.

3. The CHAIRMAN welcomed the Iraqi representatives, a high-level delegation composed of Mr. Dhari Khalil Mahmood, Director-General at the Ministry of Justice, Mr. Basil Yousif, advocate and member of the National Committee for Human Rights, Mr. Hameed Ali Abid Oon, Second Secretary at the Ministry of Foreign Affairs, and Mr. Khalid Marmoos Khalaf, Ministry of Foreign Affairs.

4. The Committee, at its forty-second session, had examined sections I to IV of the list of issues. It had noted that a number of responses to questions had not been entirely satisfactory and had expressed the hope that when consideration of the report was resumed additional information could be supplied.

5. Mr. MAHMOOD (Iraq) said it was his delegation's hope that, in the continuation of the Committee's consideration of his country's report, a positive, useful, objective and serious dialogue could be established that would help to promote human rights in Iraq. In pursuance of that aim, the Iraqi authorities had made every effort to provide the delegation with further information of a factual nature, in conformity with the scientific approach adopted by his delegation during consideration of the first part of the report and in response to the comments made by the Chairman at the previous session (CCPR/C/SR.1082, paragraph 73).

6. Since the previous session, there had been many important developments in Iraq serving to promote and strengthen human rights. Much hard work was being done by the authorities to carry out the programme for review of the legislation made necessary by the former state of emergency in Iraq, and that work was continuing. Much of the legislation objected to by the Committee had, in fact, been repealed. There was a continuing dialogue between the Government and the Kurds to seek an improved formula for greater autonomy for Iraqi Kurdistan. A law on political parties had come into effect on 16 September 1991. Decree No. 416 of the Revolutionary Command Council had been suspended. A decree had been adopted abolishing the Revolutionary Court. In addition, a decree granting amnesty to persons convicted of political crimes, from which 187 persons had benefited, had been adopted on 21 July 1991.

7. Iraq wished to incorporate in national law the international instruments on human rights to which it had acceded. To that end the Ministry of the Interior and the Ministry of Foreign Affairs were preparing an Iraqi Code of Human Rights in which the provisions of those instruments, as well as the relevant provisions of Iraqi legislation, were set out. When complete, the Code would be distributed to all courts with instructions that the provisions of the international instruments concerned were to be applied as an integral part of Iraqi law. The Code would contribute greatly to promotion of the international instruments on human rights, aid in identifying obstacles to their implementation and allow appropriate legislation to be drafted to improve respect for human rights. As soon as the Code was ready, copies would be made available to the Committee and to the Centre for Human Rights.

8. He reiterated Iraq's willingness to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq. Indeed, the Iraqi authorities had replied within the time-limit specified to the questions submitted as well as to further questions on earlier replies.

9. At its previous session the Committee had requested further information on the death penalty. He reported that 1,714 death sentences had been passed in the period 1987-1991; 1,223 of those sentences had been carried out and 330 commuted to life imprisonment, while 161 persons sentenced to death had been pardoned. Following the cease-fire with Iran in 1988 the number of death sentences passed in Iraq had declined markedly, and the decline had continued in 1991. In that year, 47 persons had been sentenced to death, of whom 13 had been executed, 26 had had their sentences commuted to life imprisonment and 8 had been pardoned. Peace and stability thus fostered the cause of human rights, while instability and disorder in a country led to abuse of those rights.

10. To provide further information under article 9, he reported that, except in special circumstances relating to the preservation of public order and covered by a special decree, administrative detention was for alleged criminal offences only, not for political offences. In 1990, 1,610 persons had been held in administrative detention, but most for short periods only.

11. The question of long prison sentences had been raised at the previous session. Heavy sentences under the Iraqi Penal Code were sentences ranging from 5 to 15 years' imprisonment and life sentences, which were for 20 years. In the period 1987-1991, 7,790 such sentences had been passed in Iraq. Most of the persons concerned had benefited from various amnesties (see paragraph 45 of the report), as had many persons sentenced to shorter terms of imprisonment. In that context, Revolutionary Command Council Decree No. 840 of 1986, and article 200 of the Penal Code, were currently under consideration for repeal, as was all legislation of an exceptional nature. However, no death sentences and only 463 prison sentences had been imposed under the Decree. Those imprisoned had been released under the amnesties of 1988, 1989 and 1990. During the same period, only three people had been brought before the courts in pursuance of article 200 of the Penal Code. They had also benefited from an amnesty. The purpose of the Iraqi legislation on serious offences had been primarily preventive, as was evidenced by the small number of persons charged under such provisions and the fact that none had received a death sentence.

12. Economic, social and cultural rights and civil and political rights were closely interrelated, as had been confirmed by many resolutions of the United Nations and human rights bodies, including United Nations General Assembly resolution 45/99 of 14 December 1990. He therefore drew the Committee's attention to the fact that the danger which the current blockade of Iraq was posing to the right of the Iraqi people, and in particular children, the elderly and the sick, to health, food and other basic needs - in other words, its impact on their economic, social and cultural rights - could not be dissociated from the status of their civil and political rights. The shortage of medicines and pesticides caused by the blockade and the difficulties it was causing to drinking-water supply, sewage treatment and other facilities had increased the incidence of disease. Cases of typhoid and paratyphoid had increased five to sixfold and cases of hepatitis A and B eightfold in the past year. Deaths from hepatitis had been high because of a lack of laboratory materials to carry out tests. There had been 1,217 officially registered cases of cholera, many of which had been fatal. The cholera situation in Iraq would have been more serious still had it not been for the assistance provided by a number of international organizations. Before August 1990, the annual mortality rate among children under 5 years of age had been five per thousand. Between August 1990 and August 1991 that figure had risen to 21 per thousand, a total of 14,232 deaths. During the same period there had been 36,968 deaths among persons over 5 years of age compared with a figure of just over 3,000 for the previous year. The Government of Iraq had made every effort to publicize the negative impact which the blockade against the country was having on its environment and the health of its people. The State was unable to provide health services for its citizens to the same standards it had done before and it would continue to be unable to do so until the blockade was lifted.

13. A recently published study by a United States human rights organization, made under the auspices of the United Nations, indicated that the death rate among children in Iraq was now four times higher than at the end of the Gulf war as a result of the lack of food and medicines, water pollution and the deterioration of the health services. It also indicated that some 900,000 children under the age of 5 were now suffering from malnutrition. In addition, psychiatrists had noted unprecedented levels of anxiety, stress and abnormal behaviour among primary-school children.

14. His delegation hoped that the Committee would take those circumstances into account in analysing the situation in Iraq and that it would be able to exercise its humanitarian responsibilities by launching an appeal to have the economic blockade against Iraq lifted so as to enable the Iraqi people to enjoy all their human rights, since it was impossible for them to enjoy their civil and political rights while being denied their economic, social and cultural rights.

15. The CHAIRMAN thanked the Iraqi delegation for its introductory statement and invited it to reply to the remaining questions in the list of issues, starting with section V.

V. Constitutional and legal framework within which the Covenant is implemented (article 2 (2) and (3))

(a) With reference to paragraphs 2 and 4 of the report, please provide information concerning developments, if any, that have taken place since the submission of the report, regarding the promulgation of a new constitution and its adoption by referendum.

(b) Please clarify the relationship between the Revolutionary Command Council, the Cabinet, the Office of the President and the National Assembly and their respective role in so far as the implementation of the Covenant is concerned. (See paragraphs 8 and 69 of the report.)

(c) Please describe the results of the examination by State organs subsequent to 1 April 1991 of wartime laws and regulations with a view to their abolition. (See paragraphs 4 and 7 of the report.)

(d) Who were the "rioters" referred to throughout the report? (e.g. paragraph 41).

16. Mr. MAHMOOD (Iraq), replying to question (a), said that since the second and third periodic reports had been submitted, the law on political parties, Act No. 30 of 1991, had been adopted and published in the Official Gazette of 16 September 1991. The proposed new constitution was to be submitted for approval in a referendum once the National Assembly had completed its discussions on it.

17. In reply to question (b), he said that the Cabinet was responsible for implementing legislation and, as the report had indicated, the Covenant was now considered to be part of that legislation. The relationship between the National Assembly and the Revolutionary Command Council in the legislative process was governed by chapter IV of the Constitution, from which he quoted extensively.

18. Turning to question (c), he said that, as a result of the work of the State organs, a number of laws had been repealed including Decree No. 461, thereby abolishing the Revolutionary Court, and a provision under which officials who abandoned their posts without authorization could be punished. Decision No. 172, of 18 March 1989 had also been repealed.

19. The rioters referred to in question (d) were persons who in the course of rioting were accused of having committed serious crimes against the State and private individuals which were punishable under the Penal Code. Some 14,000 out of a total of 15,000 had been released as a result of an amnesty, while investigations into crimes of murder, indecent assault and rape had been completed in respect of approximately 1,000 persons, allowing them to be brought to trial. It was to be noted that external elements had incited them to riot, and that 62 Iranian nationals had been arrested inside Iraq for their participation in the rioting. The Iranians concerned had been visited and registered by an ICRC mission.

20. Mr. SADI welcomed the resumption of the dialogue with the Iraqi delegation. That dialogue could only be pursued in a realistic context, by considering the two distinct periods of Iraq's recent history separately, namely, the periods preceding and following the Gulf war. Iraq could reasonably be held accountable for its fulfilment of the Covenant in the pre-war period but could not realistically be expected to achieve the same level of implementation at a time when it was torn apart and subjected to sanctions and a blockade. While the Iraqi delegation had made great efforts to convince the Committee that the spirit and letter of the Covenant were being observed and incorporated into the new legislation, it was quite clear that the minimum degree of normality simply did not exist. He asked whether Iraq had been able to achieve the multi-party democracy that was a sine qua non for observing the Covenant; whether the Covenant was specifically taken into consideration in the new constitution and the law on political parties; whether the Covenant could be invoked in a court of law in Iraq; and how the Government could assure its people of the right to life when sanctions were still in place, when there was no money to buy the necessary commodities and when the sewage still went untreated. It would be preferable if the present exercise were to be considered as an interim one, for otherwise the Committee would be engaged in an academic endeavour.

21. Mr. FODOR, noting the reference in paragraph 6 of Iraq's report to a statement released by the Prime Minister on 1 April 1991, asked what concrete measures had been taken by the Government, other than the legislation on political parties and the repeal of certain wartime laws, in order to attain the objectives of reconstruction, the establishment of democracy and a multi-party system, freedom of association, freedom of the press and the supremacy of the law.

22. He had recently received disturbing news that despite the presence of various representatives of non-governmental organizations and United Nations personnel, the situation regarding the Kurds had deteriorated and that there had been clashes, particularly in the Sulaymaniyah area. All Iraqi officials in that area had recently been withdrawn and Iraqi forces appeared to be preparing for military action against the Kurds. It was to be noted that not all the groups in the area were affected by the general food shortage.

23. In addition, it was reported that some 50,000 Shiites were trapped in the southern marshes, encircled by military emplacements. As they were not registered, no food was distributed to them. Red Cross representatives were not allowed to visit them, although visits by UNHCR representatives had been authorized after a six-day delay, inconsistent with a memorandum of understanding between Iraq and the United Nations under which access to all areas was to be assured by the Government. He requested an explanation of the real situation and asked whether his information was correct.

24. Mr. LALLAH, welcoming Iraq's submission of its third periodic report, said he was unable to associate himself with the views expressed by Mr. Sadi. Unusual situations created unusual responsibilities, and the Covenant remained in force for any country that had acceded to it whatever the situation. Article 4 offered broad leeway for derogation in such unusual situations, but there was no question of absolving States from fulfilling their international obligations.

25. He associated himself with Mr. Fodor's comments concerning the Shiites in the southern marsh areas. He understood the figure of 50,000 to be an approximation. Information had been received that requests from UNHCR, ICRC, UNICEF and WHO to establish a humanitarian presence in those areas had been turned down. He would welcome a statement from the Iraqi delegation on that point.

26. He also associated himself with Mr. Fodor's expression of concern over the Kurds in northern Iraq. Iraqi officials appeared to be withdrawing from the area and it was feared that the Kurds might be forced back into the mountains. He would appreciate information concerning the number of Kurdish and Shiite prisoners still being detained and the number that had been released, on the treatment of those still detained and on the remedies available to them. Had the Iranians suspected of taking part in or inciting the rioting been found in the north or the south of Iraq?

27. Miss CHANET thanked the Iraqi delegation for returning for the continued consideration of its report and expressed the hope that a genuine dialogue could be held on all questions of concern to the Committee.

28. She shared Mr. Lallah's views on the obligation of States parties to respect the Covenant in all circumstances, particularly in view of the provisions of article 4 of the Covenant allowing for derogations in extreme situations.

29. In its replies on section V (c) of the list of issues, the Iraqi delegation had stated that the Revolutionary Court had been abolished and that a number of restrictions under the state of emergency had been done away with. In the light of article 4 of the Covenant, she wished to know what restrictions remained.

30. At its previous session, the Committee had been informed that the new constitution had been prepared and a referendum would shortly be held on it, but the Iraqi delegation had now stated that it was still in the process of preparation. She had heard that it was, in fact, to be replaced by the Act on political parties. She asked whether the work on it was proceeding, whether a date had been set for a referendum and whether the Act on political parties was, in fact, intended to replace the Constitution. An Act could be changed more easily than a constitution and might not have as great an effect. She would further appreciate some information concerning the press law, which had been scheduled to come into effect at the end of 1991.

31. She had understood the Iraqi delegation to say that 187 people had benefited from the amnesty decree of 21 July 1991. That appeared to be a very low figure compared with the number of beneficiaries shown in paragraph 43 of the report and with the figure of 14,000 detainees who were said to have been released. She would welcome an explanation of the discrepancy.

32. Although the conditions of administrative detention had been explained, she was not entirely clear about the law applicable to such detention. On what legal basis had the experts appointed by the United Nations to assess Iraq's nuclear potential been held for several weeks against their will?

33. Mr. EL SHAFEI said he hoped that the dialogue with the Iraqi delegation would be a useful one. That could only be so if it was based on facts and reality, and he appealed to the Iraqi delegation to give the Committee a true picture as to Iraq's application of the Covenant. It had been indicated that Iraq wished to disseminate the texts of international human rights instruments and that the Minister of Justice and the Minister for Foreign Affairs were preparing a handbook for the purpose, for use by the courts as Iraqi legislation. However, that was not enough. The provisions of the Covenant must, first and foremost, be introduced into the national legislation. What precise legislation had been enacted to reflect the provisions of the Covenant, and on what specific dates had the decrees or acts been published?

34. He had noted what had been said about the new Act on political parties and hoped that there would also be one on the subject of elections. He would welcome a description of the changes in the new constitution, which he hoped would be issued soon. Under the existing Constitution there were obvious links between the Revolutionary Command Council and the National Assembly. As had happened in many countries, it was the Revolutionary Command Council that had governed the country following the revolution, but when democracy began to be established it was normal for that situation to change. It was stated in article 47 of the Constitution that sessions of the National Council were held and dismissed by decision of the Revolutionary Command Council. It appeared from articles 52 and 53 that the interpretation of the laws also fell within that body's competence, only one reference being made to that of the National Assembly. In article 44 (c) it was stated that the President of the Revolutionary Command Council undertook to supervise the activities of ministries and organizations and to call ministers to discuss matters concerning their ministries. In those circumstances, he wished to know what functions were left for the Cabinet to perform, and whether the concentration of legislative and executive powers in the Revolutionary Command Council was considered to be in conformity with the Covenant.

35. He could not agree with Mr. Sadi's remarks concerning article 4 of the Covenant. At no time had he heard the Iraqi delegation say that Iraq had invoked the provisions of that article in order to justify the suspension of civil and political rights, although he would be interested to know why it had not done so.

36. Mr. HERNDL welcomed the Iraqi delegation and the continuation of the dialogue begun at the previous session.

37. The report failed to give a complete insight into the development of the human rights situation in Iraq since 1986, but concentrated on specific issues not falling within the State party's obligations under the Covenant. He shared the view of other speakers that a state of war could not absolve a State party from respecting those obligations. Article 4 provided for derogations from some provisions during a state of emergency, but the general terms of the Covenant must still be observed. Moreover, Iraq had not sought to invoke article 4. The sufferings of the Iraqi population in the existing situation were extremely sad, but did not absolve the Government from implementing the provisions of the Covenant, particularly since the Security Council had declared that there had been a case of aggression by Iraq.

38. He, too, would be interested to hear more about the existing situation in the Kurdish area. Was the dialogue between the Kurds and the Government still proceeding? He would also appreciate some information about the Shiite refugees in the southern marshes and the extent to which the Government had authorized international action on their behalf.

39. The Iraqi delegation had indicated that the Covenant was part of the law of Iraq. Did that mean that it had been incorporated into Iraqi law by specific legislation? Could an individual invoke the provisions of the Covenant before the national authorities, the courts or the administration? Article 37 of the Constitution stated that the Revolutionary Command Council was the supreme institution of the State, but no information was given as to its composition; he would welcome further details on that subject.

40. Mrs. HIGGINS welcomed the continuation of the dialogue with the Iraqi delegation and expressed appreciation of the useful additional information provided. She was impressed by the professionalism of the delegation and its full understanding of the requirements of the reporting process.

41. Notwithstanding the difficulties it was facing, she held Iraq accountable for the existing situation and associated herself with Mr. Lallah's comments. Sanctions would end as soon as Iraq's obligations under Security Council resolutions were complied with. Security Council resolutions 706 (1991) and 712 (1991) contained mandatory provisions for humanitarian relief and resolution 688 (1991) allowed oil to be pumped for humanitarian purposes on request.

42. She associated herself with Miss Chanet's question concerning the apparent discrepancy in the numbers of beneficiaries of the amnesty provisions. Did the figure of 187 represent the number of people returning from abroad under the amnesty laws, and could the names of those returning from Turkey or Iran be made public?

43. With respect to the introduction of the multi-party system, and Act No. 30 of 1991, she asked what political parties now existed, what status they held and whether the Baath Party would continue to hold a predominant position under the new constitution.

44. With respect to the Code of Human Rights, she urged the Iraqi delegation to refer to the records of the dialogue held in 1987 in order to see the many shortcomings that the Committee had perceived in Iraqi law that should be remedied in any future code and, it was hoped, in the new constitution.

45. Given the abolition of the Revolutionary Court, what was the status of cases that had been pending before it, where would such cases be tried, was there any intention to review cases previously determined in circumstances that would present problems under the Covenant, and did special ad hoc courts still exist or had they been abolished along with the Revolutionary Court?

46. Mr. WENNERGREN welcomed the high-level delegation and expressed appreciation for its introductory statement. He sympathized with the Iraqi people who were suffering from malnutrition and disease.

47. In replying to section V (b) of the list of issues, the Iraqi delegation had explained what happened to a particular bill following its submission to the National Assembly by the President, but he wished to know what happened before such submission. How was such an instrument as the draft Code of Human Rights prepared? That could be a difficult undertaking, since it would be necessary to ensure that its provisions were in harmony with the provisions of the Constitution and other domestic laws and with those of the Covenant. How did the necessary machinery function? The Ministry of Justice would presumably be in charge of the project. What role did the Revolutionary Command Council play with respect to legislation and the drafting of new laws, what was the composition and number of its members and how did it function? Were any other bodies involved in the preparation of draft legislation?

48. Mr. PRADO VALLEJO said that he deplored the war which had resulted from the unprovoked invasion of Kuwait by Iraq and regretted the consequent suffering of the people of Iraq, including the tremendous rise in infant mortality. While it was Iraq's aggression that had provoked the opposition of the international community, his impression was that Iraq was currently being treated as a conquered country; that had not been the purpose of the war, which had been to prevent the take-over of Kuwait by Iraq. Sanctions had been imposed on Iraq as a result of the regrettable errors of its Government and had been maintained because of that Government's lack of cooperation, as evidenced in its treatment of IAEA representatives who had gone to Baghdad to fulfil their task of investigating Iraq's alleged stock of nuclear weapons. It was his hope that that situation would end in the near future, and that Iraq would then be able to re-establish harmonious relations with the international community.

49. The delegation of Iraq had clearly not answered all the questions put to it either at the previous session or at the current session of the Committee. He was concerned at the fate of the hundreds of thousands of disappeared persons regarding whom no information had been provided. He would like to know what the Government of Iraq had done to investigate those disappearances.

50. It seemed that the repression of the Kurds was continuing, despite amnesties and talks. He would like to have additional information on the situation of the Kurds, which was a source of concern for the international community.

51. The death penalty continued to be applied in Iraq notwithstanding the provisions of the Covenant. Persons who left the Baath Party could be subjected to the death penalty, as could Freemasons and anyone expressing Zionist principles or anyone guilty of economic crimes. Was it planned to amend such legislation? He would also like to know what recourse was available to an individual accused of such crimes. Lack of recourse was a serious violation of the Covenant, which stipulated that individuals whose rights had been violated must have a remedy.

52. The Government of Iraq had recognized that abuses and atrocities had been committed by its military forces in Kuwait. He would like to know whether such acts had been investigated and, if so, what the results of those investigations had been and whether the guilty had been punished.

53. He also inquired about the number of political prisoners. He understood that successive amnesties had been granted but he would like to know whether they had also been applied to opponents of the Government and the Kurds.

54. Mr. MYULLERSON said it was not clear what the Government of Iraq had done to alleviate the tragic plight of its people. Full compliance with United Nations resolutions would lead to lifting of the sanctions, which would improve the economic situation and, in turn, enhance prospects for the protection of the civil and political rights of Iraqi citizens.

55. He would like more information on the new constitution being prepared. What was the current status and content of the draft, particularly the articles relating to human rights? Information regarding the situation concerning the dialogue with the Kurdish people was also needed.

56. Referring to question V (b), he asked for further details of the division of responsibilities between the President, the Cabinet, the Revolutionary Command Council and the National Assembly. Was there anything in the new draft constitution concerning the role of the Baath Party in Iraq? He understood that it was a punishable offence to leave the Baath Party. He wondered how such a provision could be reconciled with the Covenant.

57. Mr. ANDO said that the further appearance of the Iraqi delegation before the Committee seemed to indicate a readiness on Iraq's part to observe its obligations under the Covenant. In its introductory statement, the delegation of Iraq had emphasized the close link between economic and social rights and civil and political rights and had stressed that the precarious situation of economic and social rights had inevitably had an impact on the enjoyment of civil and political rights. In his view, however, civil and political rights had their own standing and must not be confused with economic and social rights.

58. He asked whether there had been any cases in which provisions of the Covenant had been invoked by Iraqi nationals during the period between 1 January 1986 and 31 May 1990.

59. Mr. MAHMOOD (Iraq) thanked those members who had expressed understanding of the situation of the Iraqi population and the problems of the sick, children and the elderly.

60. Mr. Sadi had wondered whether it was possible for the Government to comply with its commitments under the Covenant given the difficult conditions in Iraq. In his own view, it would be impossible for any State to implement the articles of the Covenant and perform the commitments arising therefrom in the conditions currently obtaining in Iraq as a result of the economic blockade. The Government had tried, with the scant means available to it, to provide the population with food and medicine. People were dying because no anaesthetics were available for surgery. There was therefore a real link between economic and social rights and civil and political rights. The difficulties which Iraq was suffering had been imposed on the country, which could only struggle to do its best in the circumstances.

61. It had been asked whether the Covenant had become part of Iraqi legislation. The answer was that there was a general rule in Iraq, embodied in a law published in the Official Gazette, which provided that international instruments were an integral part of domestic legislation and that the courts and the executive must therefore implement them. Of course, there was always the possibility of an error being made by a magistrate or a member of the executive branch. The Government was currently elaborating a code which would consolidate all the international instruments with national implications; the purpose of the code would be to clarify the situation for those who applied the law and to remedy any shortcomings in national legislation which might be inconsistent with international instruments.

62. It had also been asked whether the application of the Covenant was compulsory under domestic law. It was, of course, difficult to ensure strict compliance with that instrument in current circumstances. In connection with the right to life, for instance, if a State was not in a position to provide adequate food and medicine, how could it comply fully with its international obligations in that respect?

63. Mr. Fodor had referred to the statement of the Prime Minister dated 1 April 1991 stressing the establishment of democracy and a multi-party system. The current situation was that the Government was seeking to respect the provisions of the Covenant to the extent possible. Specific measures, particularly legislative, had been taken to that end. The Revolutionary Command Council had abolished the Revolutionary Court. A review of all crimes carrying the death penalty was being conducted by a committee which included two members of the Iraqi delegation, and it was hoped that legislation would be enacted in the near future.

64. It had been suggested that the Iraqi delegation had not provided sufficient clarification in regard to the Kurds or the Shiites, and reference had been made to clashes between the Iraqi forces and the Kurds. In fact, there were Iraqi military forces positioned in the north in order to demonstrate Iraq's sovereignty in the area. The situation in the north was unstable and a matter of concern; there had also been confrontations between the Kurdish parties themselves. The Government was continuing a constructive dialogue with the Kurds in order to regularize their situation within Iraq. He hoped that a solution would be found in the near future. Clashes had also occurred as a consequence of the pursuit by Turkish forces of Kurds who had withdrawn into the mountain regions.

The meeting rose at 1.05 p.m.